

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CURTIS E. CRAWFORD,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00093

JOHN DOE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action began with the pro-se filing by the Plaintiff of a *Motion for Emergency Injunction and Restraint Order; Complaint Pursuant to 42 U.S.C. § 1983* (Document No. 1) on February 7, 2006 (hereinafter *Complaint*.)

By *Standing Order* (Document No. 3) entered on February 7, 2006, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On December 3, 2009, the Magistrate Judge submitted *Proposed Findings and Recommendation* (Document No. 41) wherein it is recommended that this Court grant the Defendant's motion to dismiss, dismiss the Plaintiff's *Complaint*, and remove this matter from the Court's docket.


Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that *Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment* (Document No. 25) be **GRANTED**, that the Plaintiff's *Complaint* (Document No. 1) be **DISMISSED**, and that this action be **REMOVED** from the Court's Docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: April 21, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA